

**AUCTIONEER BOARD
MADISON, WISCONSIN
MINUTES
APRIL 22, 2002**

PRESENT: Marie Kohlbeck, Richard Lust, Mark Shain (by telephone), Carl Theorin and Marie Skic (by telephone)

EXCUSED: Ron Bast and Robert Brandau

STAFF PRESENT: Cletus Hansen, William Dusso, and Gene Kleinert

GUESTS: None

CALL TO ORDER

The meeting was called to order at 9:20 a.m. by Richard Lust, Chair, upon confirmation that the public notice was timely given. A quorum of five members was present. Mr. Lust welcomed Carl Theorin to membership on the Board.

AGENDA

MOTION: Marie Skic moved, seconded by Mark Shain, to adopt the agenda, as published. Motion carried unanimously.

ELECTION OF OFFICERS

MOTION: Mark Shain moved, seconded by Carl Theorin, to table the election of officers to the meeting on June 20, 2002. Motion carried unanimously.

MINUTES (3/4/02)

MOTION: Marie Kohlbeck moved, seconded by Marie Skic, to approve the minutes, after correcting Robert Massart's telephone number on page 1 and after correcting the starting time when the Board went into Closed Session, which was 8:45 a.m. Motion carried unanimously.

ADMINISTRATIVE REPORT

Cletus J. Hansen

- **Roster**

Carl Theorin provided his fax number: 715-539-9494.

- **Meeting Dates for 2002**

Noted

- **To-Do List**

Noted

- **Summary Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules and Press Releases**

The Board noted that Jon Schuster and Rainbow Auction and Realty Co. have appealed the decision of the Real Estate Board a second time.

- **DRL Reorganization Chart**

The Board discussed the changes in the Department's Organization Chart.

LEGISLATIVE UPDATE

Clete Hansen advised that there was nothing to report.

ADMINISTRATIVE RULES

The Board received and briefly discussed the following:

1. Six letters that commented on the proposed continuing education rule changes.
2. A copy of the rule draft, dated February 22, 2002.
3. A copy of the Report of the Rules Clearinghouse.
4. A copy of correspondence from the Small Business Review Advisory Committee.

The Board noted that there were three issues that had to be addressed at this meeting:

1. Whether the mandatory hours of continuing education should be increased from 6 to 12.

MOTION: Marie Skic moved, seconded by Marie Kohlbeck, to increase the number of required continuing education hours to 12. Motion carried unanimously.

2. Whether the Board wishes to have a test-out exam in lieu of mandatory continuing education.

MOTION: Marie Skic moved, seconded by Marie Kohlbeck, to clarify the confusion in the rule draft by clearly providing for a test-out exam. Motion carried unanimously.

3. More specifically identifying the contents of the continuing education courses. The Board discussed having courses in conduct, trust accounts and bookkeeping, other rules of the DRL and of other agencies, and a set of electives, relating to real estate auctions, commercial auctions, agricultural auctions, and federal laws pertaining to auctions.

MOTION: Marie Kohlbeck moved, seconded by Carl Theorin, that the rules should the contents of four 3-hour courses every two years. Motion carried unanimously.

MOTION: Mark Shain moved, seconded by Marie Skic, to recommend that there be three specific courses and one course that contains several electives, and that Clete Hansen prepare a draft and obtain the approval of Richard Lust before sending the draft to the legislative committees. Motion carried unanimously.

REPORT OF THE AUCTIONEER RULES ADVISORY COMMITTEE

The Board discussed the following documents:

1. The minutes of the Committee meeting on March 4, 2002.
2. The minutes of the Committee meeting on April 9, 2002.
3. Several rule drafts, prepared by William Dusso.
4. A copy of Robert Massart's bidding contract.
5. A copy of the rules Scope Statement.
6. A copy of the Committee roster.

Mark Shain and William Dusso explained several of the documents.

MOTION: Mark Shain moved, seconded by Carl Theorin, to approve the two sets of minutes of the Auctioneer Rules Advisory Committee, after correcting "false bud" to "false bid" on page 2 of the minutes of 3/4/02. Motion carried unanimously.

Richard Lust expressed concern about the proposed s. RL 126.04 (1) (c), which reads: "In an absolute auction, the auctioneer or employee of the auctioneer or auction company may bid provided: (i) the bid is made with intent to purchase the item from the seller; and, (ii) the auctioneer or auction company has given notice to the public of auctioneer bidding under sub. (3) (a) that the auctioneer or an employee of an auctioneer or auction company may bid on items at the auction."

William Dusso agreed to further research case law regarding this issue.

MOTION: Carl Theorin moved, seconded by Marie Skic, to table action on this proposed rule revision until the meeting of June 22, 2002. Motion carried unanimously.

MISCELLANEOUS INFORMATION/CORRESPONDENCE

The Board noted correspondence from David Gerlach, relating to complaint processing, and several informational items in the meeting packet.

ADJOURNMENT

MOTION: Carl Theorin moved, seconded by Marie Kohlbeck, to adjourn the meeting.
Motion carried unanimously.

The meeting was adjourned at noon